

// A special meeting of the Council of the City of Lynchburg, recessed from August 12, was held on the 26th day of August, 2003, at 12:00 Noon, at the Aviary, Miller Park, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct City Council's annual retreat. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Absent:

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// City Council reviewed the proposed agenda and suggested several additional areas for possible discussion prior to the completion of the retreat, i.e., results of a youth survey, creating more time for City Council to review complex zoning issues, revisiting the former City Council retreat format, and the possible reduction of the real estate tax rate in light of the recent reassessment.

// During the morning session City Council Members reviewed its Vision Statement and Guiding Principles, and spent some time identifying and discussing accomplishments/shortcomings in achieving objectives of the focus areas, i.e., education, families, public safety, community environment, downtown, economic development, safe neighborhoods, and boards and commissions. City Council also reviewed the results of a recent budget prioritization exercise.

// The afternoon session was devoted to a presentation and discussion regarding the short-term and long-term financial challenges facing the City in addition to establishing a framework for the FY 2005/2006 budget. Financial Services Director Mike Hill explained that the financial forecasts were generated by the Financial Trend Monitoring System, a tool that has been utilized by many local governments.

// Congressman Bob Goodlatte joined the meeting at 4:00 p.m. to provide an update regarding various programs, i.e., proposed comprehensive study of the James River Basin, federal funding of the Combined Sewer Overflow Program, homeland security and Medicaid funding, TEA 21 reauthorization, and the relocation and potential City reuse of the Social Security Building.

// The meeting was recessed at 4:45 p.m. to August 27 at 8:30 a.m. to continue with the annual retreat.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from August 26, was held on the 27th day of August, 2003, at 8:30 A.M., at the Aviary, Miller Park, Bert Dodson, Jr., Vice President, presiding. The purpose of the meeting was to continue with City Council's annual retreat. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert

6

Absent: Hutcherson

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// Mayor Hutcherson arrived at 9:55 a.m.

// The first part of the morning session was devoted to a discussion regarding the development of a Compensation Philosophy for employees of the City of Lynchburg. City Manager Kimball Payne explained that once a compensation philosophy for the organization has been developed, the intent would be to measure the present pay plan against the philosophy for consistency. Mr. Payne went on to say that the pay plan should then be modified to more closely match the principles and goals of the compensation philosophy. Mr. Payne explained that the development of a compensation philosophy would have broad applicability across the entire city organization and that it would apply equally to all city employees. Mr. Payne also noted that although there may be reasons to treat some departments differently with respect to the implementation of the plan, those reasons should be clearly understood. Council Members discussed at length the merits of a compensation philosophy and determined that such a plan needed to be fair, be market based, and should take into account benefits, performance, longevity, skills/certifications, turnover/retention/attrition, and difficulty in recruitment. City Council then focused their discussion on the recent concerns regarding turnover and the difficulty in recruitment of police officers. A number of Council Members stated that the issues in the Police Department needed to be addressed and that the department should be given first priority of any resources identified for implementation of the plan. At the conclusion of the discussion, City Manager Payne stated that staff would draft a Compensation Philosophy for City Council review at a future meeting and that he would continue to work on the Police Department pay issues.

// City Council discussed whether or not the City should continue to fund non-profit agencies. City Manager Kimball Payne stated that the decision on whether or not to provide local tax dollars to non-profit agencies is a public policy decision of the governing body. Mr. Payne went on to say that if City Council wishes to consider the continued funding of non-profit agencies, then he would recommend the use of a "Non-Profit Funding Request Application" to gather information helpful to making funding decisions. Some Council Members stated that the main role of local government is to provide services to the citizenry, while other Council Members argued that non-profits can sometimes do the business of local government more efficiently and cheaper. Following discussion, City Council agreed to utilize the process/format suggested by Mr. Payne for all non-profit agencies during the upcoming budget process.

// In response to questioning by City Attorney Walter Erwin, City Council reaffirmed its support of a January 12, 1988, resolution stating that City Council would no longer support requests by organizations for real estate tax exemption status.

// City Council reviewed and discussed some of the results of a Youth Risk Survey distributed by Council Member Foster.

// City Council reached consensus to delay, if needed, the vote on complex zoning issues for two weeks following the public hearing.

// On motion of Vice Mayor Dodson, seconded by Council Member Adams, Council by the following recorded vote agreed to reschedule its September 23 work session and regular meeting to September 30:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// City Council discussed potential action items for the upcoming year for the focus areas as follows:

- Discuss traditional school concept with the School Board;
- Talk with the Commonwealth Attorney regarding code enforcement;
- Create more opportunities to discuss non-budget issues with the School Board;
- Increase protective factors to reduce risk factors for families;
- Incorporate neighborhood watch and law enforcement into the Safe Neighborhoods Initiative;
- Send Planning and Historic Preservation Commission meeting minutes to Council; and
- Send Boards and Commissions annual reports to City Council.

City Manager Kimball Payne explained that staff would bring back to City Council a work plan with timeline to delineate actions to be taken to address the focus areas.

// City Council asked that time be allotted on next year's retreat agenda for City Council to provide/define emerging issues. City Council also suggested that they need to focus on long range planning and that current business issues should be kept off of the retreat agenda. City Manager Kimball Payne also suggested the use of a professional facilitator for next year's retreat.

// Mayor Hutcherson thanked staff for its efforts in the retreat preparation and reminded everyone that tomorrow would be the 40th anniversary of Dr. Martin Luther King, Jr.'s "I Have A Dream" speech.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of September, 2003, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Garber gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Absent: Seiffert 1

// Copies of the minutes of the August 12 (two meetings), 2003 meetings, having been previously furnished Council, reading was dispensed with. Council Member Garber stated that he would abstain since he was not present at the August 12 meetings. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Hutcherson 5

Noes: 0

Absent: Seiffert 1

Abstention: Garber 1

// In the matter of Budget, Resolution #R-03-127 amending the General Fund Budget and appropriating \$5,000 to support the activities at the Virginia First Cities Coalition in promoting education funding, laid over from the August 12, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Absent: Seiffert 1

// In the matter of Police - General, Resolution #R-03-128 amending the FY 2004 City/Federal/State Aid Fund budget and appropriating \$2,113 to fund enhancements to existing crime prevention/suppression programs through the purchase of supplies and equipment, laid over from the August 12, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Absent: Seiffert 1

// In the matter of Fire - General, Resolution #R-03-129 amending the City/Federal/State Aid Projects Fund budget and appropriating \$3,420, fully reimbursable, to purchase building materials for projects at the Central Virginia Regional Fire Training Center, and to purchase books, training materials and fund instructor assistance for a Fire Officer III class, laid over from the August 12, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Absent: Seiffert 1

// In the matter of Fire - General, Resolution #R-03-130 amending the City/Federal/State Aid Projects Fund budget and appropriating \$79,992, with \$39,996 reimbursement, to purchase seven (7) Zoll "M" Series bi-phasic manual monitor/defibrillators, laid over from the August 12, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of Airport - General, Resolution #R-03-131 amending the FY 2004 Airport Projects Grant Fund budget and appropriating \$1,485,647, fully reimbursable, for construction/rehabilitation of the airport's Taxiway "B" and certain other airfield projects, laid over from the August 12, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of City Attorney - General, Resolution #R-03-135 approving the sale and conveyance of the City-owned vacant lots located in the 900 block of Fifth Street, Tax Map Nos. 10-1-17 through 10-1-22, containing approximately 0.126 acre to Sandra W. Crowther, laid over from the August 12, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of Budget, Ordinance #O-03-138 amending the FY 2004 Operating Budgets for the General, Solid Waste, Technology, Fleet, City/Federal/State/Local Aid, Self Insurance and Forfeited Assets Funds to reflect the carry forward of appropriations for ongoing activities that were not expended in FY 2003, to appropriate funds for grants, and other necessary expenditures since the FY 2004 budget was adopted, laid over from the August 12, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution as revised:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of Community Planning - General, Resolution #R-03-141 amending the FY 2004 General Fund Budget and appropriating \$50,000 for a capital grants program, to be administered through Lynch's Landing to provide grants up to \$5,000 each for capital improvements to businesses impacted by City

projects, laid over from the August 12, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of City Council, City Council Report #10 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R-03-142, as presented, supporting the Alliance for Virginia's Students and other Virginia First Cities initiatives on behalf of education funding:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of Central Virginia Mental Health, City Council Report #11 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R-03-143, as presented, approving the request of Central Virginia Community Services to enter into a lease-purchase arrangement with Central Virginia Communications to expand and upgrade the telephone system:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of Public Works - General, City Council Report #12 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R-03-144, as presented, authorizing execution of a contract with F. L. Showalter, Inc., for \$187,000 to construct a sanitary sewer replacement project in Jefferson Park:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of Public Works - General, City Council Report #13 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-145, as presented, appropriating \$2,975 reimbursement to the Marshall Lodge toward the cost of the installation of curb and gutter at its property on Wards Ferry Road:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of Public Works - General, City Council Report #14 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote

introduced and laid over to a later meeting for final action Resolution #R-03-146, as presented, appropriating \$6,000 to pay FY 2003 and FY 2004 dues for the City's membership in the U.S. 501

Regional Coalition:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Absent: Seiffert 1

// In the matter of Police - General, City Council Report #15 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-147, as presented, amending the City/Federal/State Aid Fund budget and appropriating \$64,901, with \$58,411 reimbursement, for funding of law enforcement equipment and services:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Absent: Seiffert 1

// In the matter of Airport - General, City Council Report #16 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-148, as presented, amending the Airport Projects Grant Fund budget and appropriating \$373,054, fully reimbursable, for Phase I (Environmental Assessment) of the Runway 4 Extension project:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Absent: Seiffert 1

// In the matter of Parks & Recreation - General, a public hearing was held regarding City Council Report #17 regarding adopting a Resolution approving the donation of a portion of No. 11 Ninth Street to Amazement Square, Inc., for the development/operation of a skatepark for public use. City Manager Kimball Payne outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-03-149, as presented, approving the donation of a portion of No. 11 Ninth Street to Amazement Square, Inc., for the development/operation of a skatepark for public use:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Absent: Seiffert 1

// In the matter of Public Works – Street Vacations, a public hearing was held regarding City Council Report #18 regarding adopting an Ordinance vacating a portion of Campbell Avenue. Mr. Tommy Brooks, Sr., Acres of Virginia, Inc., representing the petitioners, outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Council Member Adams,

seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #O-03-150, as presented, vacating a portion of Campbell Avenue:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Absent: Seiffert 1

// In the matter of Budget, a public hearing was held regarding City Council Report #19 regarding the "Notice of Proposed Real Property Tax Increase" as required by State law because the total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 8.56%. City Assessor Greg Daniels presented a brief overview and explained that due to the general reassessment conducted for FY2004, the City is required by State law to conduct a public hearing regarding the effective increase in the real estate tax. There was no one else present who wished to speak to this item. In response to Council questioning, City Manager Kimball Payne stated that the FY2004 budget was based on a real property tax rate of \$1.11 per \$100 and that reducing the tax rate to bring in the same amount of revenue as in FY 2003 would result in a tax rate of \$1.02. City Manager Kimball Payne went on to say that the reduction in the rate to \$1.02 would result in a revenue shortfall in FY2004 of \$750,000 to \$1,250,000 depending on how appeals are resolved. Mr. Payne noted that in order to achieve the real property tax revenues anticipated for the FY2004 budget, a tax rate of between \$1.04 and \$1.06 would be required. Council Member Adams suggested that the City lower the tax rate to \$1.06, arguing that it would be improper for the City to bring in revenue it hadn't already budgeted for during the City's annual budget process. Council Member Garber agreed, adding that with sewer bills rising, the increased cigarette tax and the \$5 monthly fee the City added for waste collection this year, it's time for Lynchburg to lower taxes somewhere. Vice Mayor Dodson stated that the City should stick with the \$1.11 rate since the extra revenue it would generate could be put to use if Council decides to address police pay issues with a salary increase. Vice Mayor Dodson also reminded everyone that when the General Assembly meets in January it will be crafting the state budget for the next two fiscal years, and that the City could lose more of its state funding as the legislature continues to struggle with a state budget shortfall. Council Member Foster stated that the City had a lot of areas where a little extra income could be put to good use, including keeping City streets in better shape and paying City employees more. Following discussion, Council Member Adams made a motion, seconded by Council Member Garber to reduce the real estate tax rate from \$1.11 per \$100 of assessed value to \$1.06 per \$100 of assessed value, and Council by the following recorded vote defeated the motion:

Ayes: Adams, Garber 2

Noes: Barksdale, Dodson, Foster, Hutcherson 4

Absent: Seiffert 1

Vice Mayor Dodson made a motion, seconded by Council Member Barksdale, to leave the real estate tax rate at \$1.11 per \$100 of assessed value. Council Member Garber made a substitute motion,

seconded by Council Member Adams, to reduce the real estate tax rate from \$1.11 per \$100 of assessed value to \$1.08 per \$100 of assessed value, and Council by the following recorded vote defeated the substitute motion:

Ayes: Adams, Garber	2
Noes: Barksdale, Dodson, Foster, Hutcherson	4
Absent: Seiffert	1

The vote was called on Vice Mayor Dodson's original motion, and Council by the following recorded vote approved the continuation of the real estate tax rate of \$1.11 per \$100 of assessed value:

Ayes: Barksdale, Dodson, Foster, Hutcherson	4
Noes: Adams, Garber	2
Absent: Seiffert	1

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #20 regarding adopting a Resolution endorsing the application to the Virginia Department of Housing and Community Development for re-designation of the downtown Enterprise Zone 1. City Manager Kimball Payne outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-03-151, as presented, endorsing the application to the Virginia Department of Housing and Community Development for re-designation of the downtown Enterprise Zone 1:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of Lynch's Landing, City Council Report #21 regarding the criteria for the capital improvements mini-grant program as developed by Lynch's Landing was considered. Mr. Don Pendleton presented an overview of the criteria for the capital improvements mini-grants. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote approved the criteria for the capital improvements mini-grant program as developed by Lynch's Landing:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of City Council, City Council Report #22 regarding a request from the Forest Volunteer Fire Company for donation of a surplus vehicle was considered. City Manager Kimball Payne outlined the request and explained that the vehicle in question is scheduled for auction in September and that Fleet Services is counting on the proceeds from the auction to augment the City's vehicle replacement budget. Mr. Payne also suggested that it would be helpful to him to get guidance from City Council regarding future requests of this nature. On motion of Council Member Adams, seconded by Council Member Garber, Council by the following recorded vote denied the request from the Forest Volunteer Fire Company for donation of a surplus vehicle, and asked that the City Attorney prepare a resolution directing

that the City Manager advise volunteer and nonprofit organizations that request the donation of items of surplus City property that it is contrary to City policy to make such donations and to deny such requests, but that in extraordinary situations when the City Manager believes there are compelling reasons that make it appropriate for the City to consider donating surplus property to a volunteer or nonprofit organization, the City Manager is authorized to forward such request to City Council for consideration:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Absent: Seiffert 1

// In the matter of Community Planning - General, City Council Report #23 regarding changing the City's Rental Property Inspection Program Ordinance and Code Enforcement Fee Schedule were considered. City Attorney Walter Erwin explained that the Ordinance had been revised to delete the area around Lynchburg College, which was not eligible for inclusion in the program. In response to questioning, City Council indicated that another public hearing regarding this item was not necessary. Some Council Members stated that they would like to see a map of the revised program area prior to making a decision, and agreed to postpone a decision regarding this matter until the September 30 meeting.

// The meeting was recessed at 8:39 P.M. to September 30, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council